

TEMPORARY
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 10 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 27 2004 under 71753

The applicant **Frehner Construction Co., Inc.** hereby make application for permission to change the **Point of Diversion** of water heretofore appropriated under **permit # 70404**

1. The source of water is **underground**
2. The amount of water to be changed **75 acre feet (0.165 cfs)**
3. The water to be used for **mining & milling (sand & gravel)**
4. The water heretofore permitted for **mining & milling (sand & gravel)**
5. The water is to be diverted at the following point **NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 13, T23S R60E, MDM or a point from which the South $\frac{1}{4}$ corner of said section 13 bears S 48°43'51" E. a distance of 2,368.21 feet. (new survey of existing POD # 61720)**
6. The existing permitted point of diversion is located within **NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, T23S, R60E, bearing North 63°29 min 9 sec East a distance of 720.66 ft. from the S 1/16 corner of said Section 13 & section 14 of said Township & Range.**
7. Proposed place of use **see attached exhibit "A", same as existing place of use.**
8. Existing place of use **see attached exhibit "A", same as the proposed place of use.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **works complete (permit 61720)**
12. Estimated cost of works **works complete (permit 61720)**
13. Estimated time required to construct works **works complete (permit 61720)**
14. Estimated time required to complete the application of water to beneficial use **1 year**
15. Remarks: **This application is being submitted to supplement existing water rights owned by the Union Pacific Railroad Company. The well & POD described in item #5 are owned by the Union Pacific Railroad Company and will remain in their ownership. This application is temporary in nature not to exceed 12 months in use.**

By **Philip Nelson**
s/Philip Nelson
3920 W. Hacienda Avenue
Las Vegas, NV 89118

Compared sc/ gkl lt/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 70404 is issued subject to the terms and conditions imposed in said Permit 70404 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 54172, 61720, 67692, 68459, 68624, 69303, 70626, 71014, 71753, 71754, 71755, 72088, 72089, 72090, 73141T and 73297 shall not exceed 775.99 acre-feet annually.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and other wells within the place of use of this permit. Records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. Separate reports shall be made for water pumped under permits and vested rights, and for water pumped under other authorization such as waivers. The monthly record shall identify water right permits and waivers from each well, and include the size, make, serial number, and meter location associated with the well.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **February 28, 2007** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.165 cubic feet per second, and not to exceed 75.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A - Temporary

Proof of completion of work shall be filed on or before:

N/A - Temporary

Water must be placed to beneficial use on or before:

N/A - Temporary

Proof of the application of water to beneficial use shall be filed on or before:

N/A - Temporary

Map in support of proof of beneficial use shall be filed on or before:

N/A - Temporary

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 1st day of March, A.D. 2006

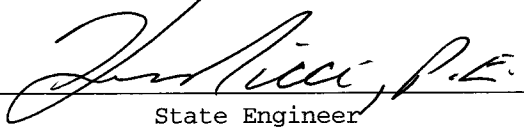

State Engineer

Exhibit "A""PROPOSED PLACE OF USE...."

"SE 1/4 SE1/4 SW1/4	SECTION 13 T23S R60E
NE 1/4 SE1/4 SW1/4	SECTION 13 T23S R60E
N 1/2 S1/2 SE1/4	SECTION 13 T23S R60E
N 1/2 NW1/4 SW1/4	SECTION 13 T23S R60E
SE1/4 NW1/4	SECTION 13 T23S R60E
SE1/4 NW1/4 SW1/4	SECTION 13 T23S R60E
NE1/4 SW1/4	SECTION 13 T23S R60E
N 1/2 SE 1/4	SECTION 13 T23S R60E
S 1/2 SW1/4 NW1/4	SECTION 13 T23S R60E
NE 1/4	SECTION 13 T23S R60E
NE1/4 NE1/4 NW1/4	SECTION 13 T23S R60E
S 1/2 NE1/4 NW1/4	SECTION 13 T23S R60E
SE 1/4 SW 1/4	SECTION 12 T23S R60E
SW1/4 SE1/4	SECTION 12 T23S R60E"